

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

SANDRA ALCORN,

Plaintiff,

v.

CREST ULTRASONIC CORP.

and

RELIANCE SPECIALTY PRODUCTS, INC.,

Defendants.

Civil Action No.: 7 : 17 - CV - 00227

NOTICE OF REMOVAL

COMES NOW the defendant, Reliance Specialty Products, Inc. (hereinafter "the defendant"), by counsel, and gives notice of removal to this Court, pursuant to 28 U.S.C. §1441, of the style action now pending in the Circuit Court for the City of Roanoke, Virginia, and in support thereof, respectfully state as follows:

1. That on or about November 7, 2016, the plaintiff filed her Complaint. (See Complaint attached as Exhibit 1.)
2. That on or about April 14, 2017, service of this defendant occurred.
3. The service on the defendant was the first receipt by the defendant of a copy of the plaintiff's Summons and Complaint after the instant action which was filed in the Circuit Court for the City of Roanoke on November 7, 2016.
4. On May 18, 2017, the defendant filed its responsive pleading and its Motion For Extension in the Circuit Court for the City of Roanoke; a copy of which is attached hereto and marked as Exhibit 2.

5. That no further affirmative proceedings have transpired in this action in the Circuit Court for the City of Roanoke.

6. That the instant Complaint makes a claim for personal injuries arising out of an alleged exposure to chemicals in the City of Roanoke, Virginia.

7. That the above style action wholly involves citizens of different states in that at the time of the commencement of this action, and ever since, the plaintiff was and still is a citizen and resident of the Commonwealth of Virginia, and the defendant, Reliance Specialty Products, Inc., is incorporated in the State of Illinois and its principal place of business is in the State of Illinois.

8. That the defendant, Crest Ultrasonic Corp. is a Delaware Corporation with its principal place of business in the State of New Jersey.

9. That this Court has original jurisdiction of the above style action through diversity of citizenship pursuant to 28 U.S.C. § 1332 and, because neither defendant is a citizen or resident of the Commonwealth of Virginia where the above-styled action is pending, removal of this action to this Court is also proper pursuant to 28 U.S.C. § 1441.

10. That the amount in controversy, exclusive of interest and costs, is in excess of \$75,000, as more fully appears in the instant Complaint, a copy which is attached and marked as Exhibit 1.

11. That this notice of removal is being timely filed pursuant to 28 U.S.C. § 1446(b) and (c), and that it is being filed within 30 days after the earliest receipt by either defendant through service of a copy of the plaintiff's initial pleading after it was filed and within one year of the filing of the instant action.

12. That venue lies properly in this Court as it is the district and division thereof in which the state court action was pending prior to removal. See 28 U.S.C. § 1446(a) and Rule

2(a)(7) the of the United States District Court for the Western District of Virginia Local Rules.

13. That the undersigned is counsel of record for the defendant and duly authorized to affect removal on its behalf.

14. Crest Ultrasonic Corp. has agreed to the removal of this action and consents to the removal.

15. That pursuant to 28 U.S.C. § 1446(d), defendant is filing the Notice of Removal with the Court and contemporaneously sending a copy of the Notice of Removal to counsel of record for the plaintiff and to Crest Ultrasonic Corp.

16. That pursuant to 28 U.S.C. § 1446(d) the defendant is also sending a copy of the Notice of Removal with a separate Notice of Filing of Notice of Removal to the Clerk of the Circuit Court for the City of Roanoke, Virginia.

17. All defendants agree to the removal of this action to the United States District Court for the Western District of Virginia, Roanoke Division. There is complete diversity of citizenship between the defendants and the plaintiff and the amount in controversy exclusive of interest and cost exceeds \$75,000.00. None of the defendants are residents of Virginia, the corporate defendants are incorporated in Illinois and Delaware, and their principal places of business are in Illinois and New Jersey, and, therefore, removal is appropriate.

WHEREFORE, for the foregoing reasons, the defendant, Reliance Specialty Products, Inc., by counsel, respectfully requests that the above captioned action now pending against it in the Circuit Court for the City or Roanoke, Virginia, be removed to the United States District Court for the Western District of Virginia, Roanoke Division. The defendant also requests such further relief as the Court may deem appropriate.

RELIANCE SPECIALTY PRODUCTS, INC.

By Counsel

/s/

William N. Watkins (VSB No. 22391)

Counsel of Record for Defendant

Reliance Specialty Products, Inc.

SANDS ANDERSON PC

Bank of America Center, Ste. 2400

1111 East Main Street (23219)

P. O. Box 1998

Richmond, VA 23218-1998

Telephone: 804-648-1636

Telefax: 804-783-7291

wwatkins@sandsanderson.com

CERTIFICATION

I hereby certify that on the 18th day of May, 2017, I electronically filed the foregoing **Notice of Removal** with the Clerk of the Court using the CM/EMC system, which will send a notification of such filing (NEF) to the following:

John F. Pyle, Esquire
Patrick T. Fennell, Esquire
Counsel of Record for Plaintiff
CRANDALL & KATT
366 Elm Avenue, S.W.
Roanoke, VA 24016
Telephone: 540-342-2000
jpyle@crandalllaw.com
pfennell@crandalllaw.com

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Crest Ultrasonic Corp.
18 Graphics Drive
Ewing Township, NJ 08628

/s/

William N. Watkins (VSB No. 22391)
Counsel of Record for Defendant
SANDS ANDERSON PC
Bank of America Center, Ste. 2400
1111 East Main Street (23219)
P. O. Box 1998
Richmond, VA 23218-1998
Telephone: 804-648-1636
Telefax: 804-783-7291
wwatkins@sandsanderson.com